

REMARKS

This Amendment is filed in response to the Office Action of February 9, 2009 in which pending claims 1-38 were rejected.

Regarding point 4 of the Office Action Applicants correctly identified the Office Action as Japanese in the Information Disclosure Statement transmittal (see page 3). There was an error made on the PTO-1449, however, identifying it and its translation as Chinese. We submit herewith a revised 1449 with the error corrected. Consideration is requested.

Regarding point 5 of the Office Action an amendment to the specification has been made at page 6 to provide support for claim 27. Withdrawal of the objection is requested.

Regarding the objection to claims 15-38, the objected to language does not constitute a recitation of an intended use of the control unit but rather inherent actions that the control unit actively performs when it is activated. Thus, although the control unit does not perform the claimed actions when it is sitting in its shipping crate at the loading dock, it is most definitely required to do so when it is activated. This is a normal way of claiming an apparatus that includes a control unit and is believed to be acceptable. Applicants do not wish to restrict their claimed invention to cases of infringement only when it is activated. The kind of language that would be objectionable as an intended use would be if the applicants were claiming that the apparatus were "for use as a paperweight" or "for use as a fashion accessory." Therefore, the present language is appropriate since it covers both instances when the apparatus is turned on and instances when it is turned off. Withdrawal of the objection is requested.

Furthermore, Applicants have clarified the independent apparatus claims by specifying that a microprocessor of a control unit is configured to carry out certain acts which are recited in the independent apparatus claims. This is supported by the text-part of the application: *"The control unit 201 comprises a microprocessor, by means of which the device operations are checked, controlled and observed. The control unit 201 is connected to all other functional sections and components of the*

*device either directly or through their individual control units.*” [see page 6, second paragraph of the current patent application]

Moreover, Applicants have specified that a display is configured to display the created name suggestion list in a user interface. Support is found in Figure 2 of the application.

Applicants would also like to present further remarks concerning against point 6 of the Office Action. The Examiner has declared that: *“language that suggest or makes optional but does not require the steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or a claim limitation.”* As Applicants have earlier stated, the Examiner’s opinion that the first unit is not limited to a particular structure seems to lack basis due to the fact that Applicants have claimed that the apparatus comprises the first unit. Thus, Applicants are of the opinion that claim is limited to a particular structure.

Regarding the claim rejections, Applicants have reviewed the publication of *Abram et al.* (US 6,462,778). Firstly, Applicants have amended the main claims by adding a new feature: *“the name suggestions in the generated picture file name suggestion list are prioritized according to priority rules, the name suggestions are set in order so that the one with the highest priority is placed highest in the list.”*

The text-part [see e.g. pages 12-13] and claim 9 give support for that: *“According to an embodiment, the name suggestions in the generated picture file name suggestion list are prioritized according to certain predetermined priority rules, the name suggestions are set in order so that the one with the highest priority is placed highest in the list, and the first name suggestion in the name suggestion list is set as the default name for the picture file in the user interface.”* *Abram et al.* fail to give any correspondence teaching.

The Examiner admits that *Abram et al.* *“does not distinctly disclose wherein the name suggestions in the generated picture file name suggestion list are prioritized according to priority rules, the name suggestions are set so that the one with the highest priority is placed first in the name suggestion list, and that a first name suggestion of the name suggestion list is set as a default name of the picture file in the user interface.”* However, he continues that *Fukahori* (US 6,469,698) teaches this. Applicants disagree with the Examiner due to the fact that neither *Fukahori* nor

*Abram* teach or even provide any hint for the subject matter: “*a first name suggestion of the name suggestion list is set as a default name of the picture file in the user interface.*”

Benefits in some embodiments of the invention can be that with the added feature the invention is more user friendly due to the fact that the user may be able to more quickly find the suitable name suggestion from the list in addition to get name suggestions.

Secondly, Applicants noticed that neither *Abram et al.* nor *Fukahori* teach the underlined phase: “*added in a name suggestion list containing name suggestions for the picture file in order to create said name suggestion list.*” In some embodiments of the invention this feature can increase the rate of performance and the apparatus according to invention is sooner available for use.

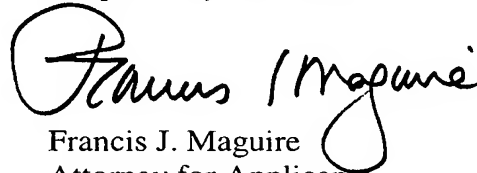
Thirdly, Applicants noticed that both *Abram et al.* and *Fukahori* fail to specify any apparatus for searching among a data available in a mobile station ... but instead represent just generally “*a digital device*” and refer to “*cameras*” and “*camcorders*” as an example. This distinguishing feature in the current invention brings notable advantages as the text-part of the current application says: “*In addition, the arrangement according to the invention enables the processing of picture files in the mobile station and also makes the processing easier, and it is not necessary to transfer the pictures to another device, such as a microprocessor, in order to process the picture files.*” [see e.g. page 3, second paragraph of the current patent application] This is an enormous advantage considering how popular mobile stations are in these days.

Fourthly, Applicants have removed a feature “*said picture file name is edited from a suggested name into another name in the user interface of the mobile station*” from the main claims consistent with the fact this feature was not in the main claims of the PCT-application, i.e. in the deemed US application as filed when entering the National Stage in the USA.

Finally, Applicants have introduced new claim 39 in order to have a means plus function claim under 35 U.S.C. § 112, sixth paragraph.

The objections and rejections of the Office Action of February 9, 2009, having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested and passage of claims 1-39 to issue is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Francis J. Maguire". The signature is written in a cursive, flowing style with a large initial "F" and a long, sweeping underline.

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